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PROTECTION OF MINORITIES

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 August 1993]

INTERNATIONAL MINORITY PROTECTION GUARANTEES: BALTIC STATES

1. The Russian Foreign Minister Andrei V. Kozyrev recently drew attention to "a Russian 'cry of despair' in Estonia" 1/ and elsewhere in the former Soviet Union. "At issue is the status of national minorities in the newly independent states". Referring to the mostly Russian-speaking inhabitants of the Estonian town of Narva, Mr. Kozyrev expressed the view that "this town symbolizes one of the most serious challenges to European stability. ... We have seen on too many occasions in recent years that whenever interethnic conflicts bring bloodshed, reconciling the rival becomes nearly impossible. This is why events in Narva should become a touchstone of the ability of Europe to effectively prevent and extinguish conflicts."

2. "Quite so", responded Prince Sadruddin Aga Khan in his letter to the editor, 2/ pointing out, however, that fundamental principles cannot credibly and effectively be invoked only where it suits one's purpose. And he

went on to say that in "Bosnia, neither Europe, nor Russia, heeded the 'cry of despair.' Indeed, the latter leads the non-interventionist pack. ... Impervious to the lessons of history, they will now all face the cost of appeasement, indecision and complacency."

3. Nevertheless, the International Fellowship of Reconciliation welcomes the appeal of Mr. Kozyrev who also stressed: "We are making every effort ... to resolve the problem of the Russian minority, and call upon Europe to give us a hand in achieving this goal." We have also noted with satisfaction in particular the Estonian President's efforts to find common ground with the help of European institutions. Encouragingly, the related work and recommendations of the Conference on Security and Cooperation in Europe High Commissioner on National Minorities, Max van der Stoel, 3/ has already been welcomed by the Russian Government as "constructive" and to "represent a good basis for dealing with problems affecting the interests of the Russian-speaking part of the population of Estonia and Latvia." Indeed, they are expected to go a long way towards a mutually satisfactory solution of this very special minority problem. In the event, the parties involved might also want to consider the following complementary instruments, methods and measures.

4. Indeed, if Mr. Kozyrev's appeal signals real openness on the part of the Russian Government, the Russian observer at the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Serguey Berezny, may go home with further helpful and good news. For in the cases of the Baltic States at least, there is no such thing as a "legal vacuum in this field" of "human rights in the former USSR republics", which Mr. Berezny mentioned in his presentation. This is evidenced by documents 4/ from the *League of Nations archives* which, being not easily accessible, are reproduced in the annex. Thereby, we assume that the Baltic States consider themselves to be the successors, in international law, of the States which, as Members of the League of Nations, were illegally incorporated into the former Soviet Union.

5. As is the case with similar international guarantees concerning minorities in other parts of the world 5/ (E/CN.4/367, E/CN.4/Sub.2/1992/NGO/27, E/CN.4/Sub.2/1993/NGO/29), they will remain ineffective - and the potential of this instrument and related mechanisms for helping to prevent, contain and/or resolve minority problems will remain unnoticed and unused - unless the parties concerned rediscover them as either potentially or actually useful instruments for settling related problems.

6. Yet, we believe that the international law principles involved, and the opportunities associated with them, are too important to be further disregarded. Also, we consider full consideration of these internationally established rights and obligations to serve the interests of all concerned. In fact, they might contribute to resolve promptly, effectively and lastingly - in an exemplary way at that - the problems of linguistic minorities particularly in newly-independent States who were part of the former Soviet Union. 6/

7. Beyond that, the International Fellowship of Reconciliation, in cooperation with the Good Offices Group of European Lawmakers 7/, recommends:

(a) That the instrument of international minority protection guarantees be given fresh consideration, in the light of past experiences, present circumstances and foreseeable developments, particularly in cases involving sudden, endemic or perennial conflicts among ethnic, linguistic or religious minorities;

(b) That the League of Nations mechanisms for monitoring, enforcing and adapting the bilateral and multilateral minority protection guarantees be reviewed, developed and implemented in accordance with United Nations General Assembly resolution 24 (I) in particular; and

(c) That each community covered by an international minority protection guarantee, upon application of General Assembly resolution 24 (I) and other relevant authorities, be provided with the opportunity to elect a special representative who shall directly communicate with and advise all involved United Nations bodies on all related matters.

The document containing "Protection of Linguistic, Racial and Religious Minorities by the League of Nations" is made available at the Secretariat.

Notes

1/ International Herald Tribune, 14-15 August 1993.

2/ International Herald Tribune, 17 August 1993.

3/ "Recommendations by the CSCE High Commissioner on National Minorities, Mr. Max van der Stoel, upon his visits to Estonia, Latvia and Lithuania", "Russian comments to the Recommendations concerning Estonia and Latvia", Human Rights Law Journal, vol. 14, 5-6, 30 June 1993, p. 216, 223.

4/ See also General Assembly resolution 24 (I) of 12 February 1946 which provides for the application of the related minority protection rights and obligations through the appropriate United Nations bodies.

5/ Danilo Türk, "Le droit des minorités en Europe", p. 452, in: Henri Giordan (ed.), "Les minorités en Europe", Editions Kimé, Paris 1992. "The International Minority Protection Guarantees of the League of Nations" (in preparation by CORUM, box 2580, 1211 Geneva 2).

6/ See also E/CN.4/Sub.2/1993/34 [annex], para. 339; Vojin Dimitrievic, "New and old minorities and the loss of status acquired in former 'Socialist' States"; Claire Palley, "The relevance of population transfers to minority rights"; Valery Tishkov, "Nationalities and conflicting ethnicity in post-Communist Russia"; Rüdiger Wolfrum, "The emergence of 'new' minorities as a result of migration".

7/ Consisting of some 60 European parliamentarians, this Group has also been involved in the analysis and development of ideas and documents concerning the Gulf conflict which might contribute to a lasting solution notably of some perennial minority protection problems there. Its research branch, CORUM, thus uncovered apparently still valid international minority protection guarantees concerning Iraq's Marsh Arabs and the Assyrians, Kurds and Turkomans of the Mosul Vilayet, which might be realized, e.g. with the help of the United Nations Trusteeship System.